

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

November 5, 2003

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., November 5, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present, Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

MINUTES

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve the minutes from meetings held on September 10, 2003.

PERSONNEL AGENDA

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve Flood Control District Personnel Agenda (Exhibit C). (List on file in the Clerk of the Board's Office.)

EASEMENTS AND RIGHT-OF-WAY

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

East Maricopa Floodway Project (Per: Amendment Resolution Dated April 22, 1974)

Item RR-5, Quitclaim Deed from the United States of America, acting through the Secretary of Health and Human Services, by the Director, Division of Property Management to the Flood Control District of Maricopa County.

Northern/Orangewood Storm Drain Project (Per: Resolution FCD 93-15 and IGA FCD94003)

Item NO1-REM; NO3-1; NO3-2, Warranty Deed from Flood Control District of Maricopa County to the City of Glendale for a nominal fee.

Item NOD-278-DE; NOD-301-DE; NOD-302-DE, Assignment of Easements from Flood Control District of Maricopa County to the City of Glendale for a nominal fee.

Salt River Channel (Per: Resolution FCD1999R016)

Item SRC-Easement, Declaration of Modification of Easements by the Flood Control District of Maricopa County, the City of Tempe and Picerne-Rio Salado, LLC.

CONTRACTS FOR ON-CALL SURVEYING AND MAPPING SERVICES

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Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award four contracts for On-Call Surveying and Mapping Services between the Flood Control District of Maricopa County (District) and the following consultant firms:

- Stewart Geo Technologies, Inc., Contract FCD 2003C047 (C69040035)
- Cooper Aerial Surveys Co., Contract FCD 2003C048 (C69040045)
- Wilson & Company, Contract FCD 2003C049 (C69040055)
- Southwest Mapping Technologies, Inc., Contract FCD 2003C050 (C69040065)

Each respective contract is effective for 730 calendar days from the date of execution or until the expenditure of \$250,000, whichever occurs first. Total dollar amount for the four contracts is \$1,000,000. The District and each respective consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated prior to the notice to proceed for each work assignment. This negotiated fee will be in accordance with the rates included as Exhibit B of each respective contract. (C69040025ZZ)

CONTRACT WITH STANLEY CONSULTANTS, INC.

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award Contract FCD 2002C037, Sonoqui Wash Channelization from Queen Creek Wash to Chandler Heights Road (No. 480 – Queen Creek ADMP) (Project) to Stanley Consultants, Inc. The basic contract is for a lump sum of \$978,835.37, plus a not-to-exceed fee of \$53,634.06 for optional items. The optional items, which include additional meetings, roadway design, including plan and profile, signing and striping, utility designating and potholing, will only be implemented if needed. The total contract amount, including the optional items, will not exceed \$1,032,469.43. The contract performance is 476 calendar days effective the date of the notice-to-proceed. (C69040325)

CONTRACTS FOR ON-CALL ENGINEERING, PLANNING & SURVEYING SERVICES

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to award three contracts for On-Call Engineering, Planning & Surveying Services as follows:

- Wood, Patel & Associates, Contract FCD 2003C019, in the amount of \$125,000 (C69040385)
- Stanley Consultants, Inc., Contract FCD 2003C020, in the amount of \$125,000 (C69040395)
- Engineering and Environmental Consultants, Inc., Contract FCD 2003C052, in the amount of \$250,000 (C69040405)

Each contract is for the not-to-exceed amount stated above or for 730 calendar days from the date of award, whichever occurs first. The Flood Control District of Maricopa County (District) and each respective consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each work assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to each respective contract. All work assignments authorized under each respective contract will be for District engineering, planning and surveying services. (C69040375ZZ)

RESOLUTION – SIPHON DRAW DRAINAGE IMPROVEMENTS PROJECT

November 5, 2003

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to adopt Resolution FCD 2003R003, Siphon Draw Drainage Improvements (Project #442 - East Mesa ADMP), for developing and negotiating an Intergovernmental Agreement (IGA) with the City of Mesa and others, if appropriate, for cost sharing, design, rights of way acquisition, construction, construction management, and operation and maintenance for the Siphon Draw Drainage Improvements; to include funding in the current and future Five Year Capital Improvement Programs; and to advertise, select, negotiate, and award contract(s) for engineering services for design, subject to approval of the Board of Directors of the Flood Control District of Maricopa County. (C69040416)

**RESOLUTION FCD 2003R003
SIPHON DRAW DRAINAGE IMPROVEMENTS**

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and, Agenda Item:

WHEREAS, the Flood Control District of Maricopa County (District) and the City of Mesa (City) have developed the East Mesa Area Drainage Master Plan (EMADMP), a regional drainage master plan that identifies existing and future drainage and flooding problems in the area approximately bounded by the Maricopa County/Pinal County line (Meridian Road) to the east, the East Maricopa Floodway to the west, the Rittenhouse Channel and Queen Creek Road to the south, and the Central Arizona Project Salt-Gila Aqueduct to the northeast which has assisted the District and the City in the prioritization and development of future infrastructure needs; and,

WHEREAS, the components of the recommended plan are prioritized in the EMADMP and the Siphon Draw Drainage Improvements (Project) is considered by the project partners as being the next highest priority project with higher priority projects having been constructed or are pending; and,

WHEREAS, the Project, as shown on Exhibit A, includes a detention basin located at the northeast corner of the intersection of Elliot Road and Meridian Road and a channel along Meridian Road from Elliot Road to one-half mile north of Guadalupe Road that will provide an inlet to the basin and an outlet channel that extends from the basin west along Elliot Road to the existing storm drain at Elliot Road and approximately 104th Street; and,

WHEREAS, Resolution FCD 97-11 authorized and directed the Chief Engineer and General Manager of the District to negotiate Intergovernmental Agreements (IGAs) with other agencies for cost sharing in the design, rights-of-way acquisition, and construction of drainage components of the recommended plan from the EMADMP; and,

WHEREAS, the construction of the Project will mitigate flooding and drainage problems for portions of unincorporated Maricopa County and the City and the proposed Project location includes presently vacant land that may be developed in the near future; and,

WHEREAS, the rights-of-way acquisition, design, and construction for the Project are anticipated to cost approximately \$16,000,000; and,

WHEREAS, the District is coordinating the cost share and implementation of the Project with the City and/or other municipalities and agencies, as appropriate.

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NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate IGAs with the City and others as necessary for the cost sharing, design, rights-of-way acquisition, construction, construction management, and operation and maintenance of the Project, subject to the ratification and approval of this Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain rights-of-entry, easements, or real property required for the Project; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to hire, retain, or otherwise utilize the professional services of the Maricopa County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all rights-of-entry, easements, or real property required for the Project which cannot be obtained by donation or purchase in the following locations:

Township 1 South, Range 7 East, Sections 1, 11, and 12; and,

BE IT FURTHER RESOLVED that the Chief Engineer And General Manager Of The District is authorized and directed to advertise, select, and negotiate the contracts for design and construction services for the project, subject to the ratification and approval of this board, and

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include cost sharing funds in the District's current and future Five-Year Capital Improvement Program to pay for the District's portion of the Project, subject to the ratification and approval of this Board.

Dated this 5th day of November 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

RESOLUTION – WHITE TANKS FLOOD RETARDING STRUCTURE NO. 3 NORTH INLET CHANNEL PROJECT

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (4-0-1) to adopt Resolution FCD 2002R019, White Tanks Flood Retarding Structure (White Tanks FRS) No. 3 North Inlet Channel (Project) (Project #470 - White Tanks ADMP). This Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to develop and negotiate Intergovernmental Agreements (IGA) with the Maricopa County Water Conservation District No. 1 (MWD) and others for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance. The estimated cost of the project is \$3,625,000 to be shared among the Flood Control District of Maricopa County (District), MWD, and potentially, others. It is anticipated that the District will fund 50% of the total project cost. The Resolution authorizes the district to negotiate and award contracts for engineering services for the design of the project, subject to the ratification and approval by the Board of Directors of the District. (C69040466)

**RESOLUTION FCD 2002R019
White Tanks Flood Retarding Structure #3
NORTH INLET CHANNEL**

November 5, 2003

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48-3603, Chapter 21, which requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

WHEREAS, the District has updated the White Tanks Area Drainage Master Plan, a regional drainage master plan, originally published in 1992, with the Loop 303 Corridor/White Tanks Area Drainage Master Plan (ADMP) to identify and mitigate existing and future drainage and flooding problems in the western metropolitan Phoenix area bounded by the Agua Fria River, McMicken Dam, White Tank Mountains, and the Gila River; and,

WHEREAS, the ADMP identified breakout flows over the Beardsley Canal at Olive Avenue, Cholla Wash, and Northern Avenue; and,

WHEREAS, the Soil Conservation Service, now the Natural Resources Conservation Service, originally designed the White Tanks Flood Retarding Structure (White Tanks FRS) #3 to contain all of the 100-year flows from the White Tanks FRS #3 watershed, inclusive of flows that have been identified to breakout over the Beardsley Canal; and,

WHEREAS, the ADMP recommended a channel along the Beardsley Canal to collect all the breakout flows and convey them into the White Tanks FRS #3; and,

WHEREAS, the White Tanks FRS #3 North Inlet Channel Pre-design Study, was conducted to develop alternatives to further refine how to collect the breakout flows and convey them into the White Tanks FRS #3; and,

WHEREAS, the pre-design study recommended a channel along the Beardsley Canal to collect the breakout flows and convey them southward into the White Tanks FRS #3 as shown on the enclosure (Exhibit A) and listed as follows:

- Approximately 1 mile of channel from north of Olive Avenue to Northern Avenue adjacent to the Beardsley Canal; and,
- Erosion protection on the existing channel between Olive Avenue and Northern Avenue at the Cholla Wash confluence on the west side of the Beardsley Canal; and,
- Improvement of the existing channel from Northern Avenue to approximately Glendale Avenue, on the west side of Beardsley Canal; and,
- Other associated required project drainage facilities which is herein referred to as the PROJECT; and,

WHEREAS, alternative elements of the channel project will be analyzed and compared to the pre-design recommendation for least impact and acceptable cost during the design process; and,

WHEREAS, the Maricopa County Municipal Water Conservation District #1 (MWD) owns the Beardsley Canal and the adjacent property on the east side of the Beardsley Canal; and,

WHEREAS, the PROJECT will provide 100-year flood protection for the areas along the west and east sides of the Beardsley Canal; and,

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WHEREAS, the PROJECT will also provide 100-year flood protection for future improvements and approximately 109 existing homes east of the Beardsley Canal; and,

WHEREAS, the PROJECT will reduce the identified floodplain caused by the breakouts over the Beardsley Canal by approximately 320 acres; and,

WHEREAS, the total cost to implement the PROJECT is estimated to be \$3,625,000 to be cost-shared between the District, the MWD and others.

NOW, THEREFORE, BE IT RESOLVED that the Board authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements and/or agreements with MWD and/or others, for rights-of-way acquisition, design, construction, construction management and operation and maintenance, including authorized District participation in landscape and multi-use improvements for the White Tanks FRS #3 North Inlet Channel Project, subject to the ratification and approval of the Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate and award contracts for engineering services for the design of the White Tanks FRS #3 North Inlet Channel, subject to the ratification and approval of the Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to hire, retain, or otherwise utilize the professional services of the Maricopa County Attorney's office or private counsel for acquisition of, and/or to initiate and prosecute actions and proceedings in the manner required by law to condemn, under the right of eminent domain, any and all necessary rights-of-entry, property, and/or easements required for the PROJECT within those portions of:

Township 2 North, Range 2 West, Section 4;
Township 3 North, Range 2 West, Sections 20, 21, 28, 29, and 33; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and/or future Capital Improvements Program to pay for the project including design, acquire necessary land rights, and construction for the White Tanks FRS #3 North Inlet Channel, subject to the ratification and approval of the Board; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary land rights for the PROJECT, subject to the ratification and approval of the Board.

DATED this 5th day of November 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

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Fulton Brock, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board